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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/703,419	11/01/2000	Eric Cohen	US000287	1395
24737	7590	08/03/2004	EXAMINER	
PHILIPS INTELLECTUAL PROPERTY & STANDARDS P.O. BOX 3001 BRIARCLIFF MANOR, NY 10510			JERABEK, KELLY L	
			ART UNIT	PAPER NUMBER
			2612	

DATE MAILED: 08/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/703,419

**Applicant(s)**

COHEN ET AL.

**Examiner**

Kelly L. Jerabek

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 07 May 2004.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Arguments***

Applicant's arguments with respect to claims 1-15 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 1-2, 4-7, 9-10, and 12-15 rejected under 35 U.S.C. 103(a) as being unpatentable over Tomitaka et al. US 5,812,193 in view of Leppisaari et al. US 2002/0101517.**

Re claim 1, Tomitaka discloses in figure 10 a video camera system capable of tracking a moving object. The video camera system includes a tracking signal process circuit (16) that designates a standard measurement frame (FMXR) at the center of a display pane (col. 12, lines 22-27). The tracking

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signal process circuit (16) then scans the position of a frame (FMXD) (col. 12, lines 37-67). Next, the tracking signal processing circuit (16) continuously determines a Euclidean distance by comparing the brightness and position information of frames (FMXD and FMXR) (col. 13, lines 7-41). Therefore, the video camera system continuously detects relative movement between a video camera an object of interest within a displayed image generated by the video camera (col. 14, lines 4-14). Next, the tracking signal processing circuit (16) gives a tracking control signal (S5) to move the new object position (x,y) to the frame (FMXR) using a tilting drive motor (12B) and a panning drive motor (12C) (col. 13, lines 50-64). Therefore, at least one setting of the camera is continuously adjusted in response to the detected relative movement in order to maintain a desired framing and tracking of the object of interest generated by the camera for providing a video image of the object. Although Tomitaka discloses all of the limitations above, he fails to distinctly state that the video camera system includes a video camera that is associated with a hand-held device.

Leppisaari discloses in figure 4, a terminal (40) including a thermograph (43). A temperature detection logic implemented in the terminal (40) searches for the warmest section in the image field of the thermograph which corresponds to the face of the user. When the area searched for has been located, the video camera (41) is focused on the area around the face at the required tolerance (page 3, paragraph 22). Thus, the terminal (40) including a thermograph (43) as shown in figure 4 is capable of detecting movement between the terminal (40) and the object of interest and adjusting the camera settings accordingly. **The**

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**terminal (40) is a hand-held device and it includes a video camera (41) (page 3, paragraph 22).** Therefore, it would have been obvious for one skilled in the art to have been motivated to include the hand-held terminal housing a video camera disclosed by Leppisaari in the video camera system disclosed by Tomitaka. Doing so would provide a means for focusing a camera of a portable terminal at an object (Leppisaari: page 1, paragraph 8).

Re claim 2, figure 4 of Leppisaari shows a camera (41) installed in a hand-held portable mobile station (40) (page 3, paragraph 22).

Re claim 4, Leppisaari states that a user (5) may physically adjust the camera (32) by moving the terminal (30) according to arrow LED's (33A-33D) as shown in figure 3 (page 3, paragraph 20).

Re claims 5 and 6, Tomitaka states that the camera is driven by a tilting drive motor (12B) and a panning drive motor (12C) therefore it is electrically adjustable (col. 13, lines 50-64).

Re claim 7, Leppisaari states that the terminal (30) of figure 3 may be a portable image phone (page 3, paragraph 20).

Re claim 9, Leppisaari states that the terminal (50) of figure 5 is a computer including a monitor (51) and a camera (52). The computer includes all

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of the methods according to figures 1A, 1B, 2, 3, and 4 (page 3, paragraph 23). Therefore, since figure 4 shows a hand-held terminal (40) it would have been obvious to use a hand-held computer such as a laptop as the terminal (50) of figure 5.

Re claim 10, the tracking signal processing circuit (16) of the video camera system disclosed by Tomitaka continuously determines a Euclidean distance by comparing the brightness and position information of frames (FMXD and FMXR) (col. 13, lines 7-41). Therefore, the video camera system continuously detects relative movement between a video camera an object of interest within a displayed image generated by the video camera (col. 14, lines 4-14). Thus, the tracking signal processing circuit (16) serves as an orientation determination device. Next, the tracking signal processing circuit (16) gives a tracking control signal (S5) to move the new object position (x,y) to the frame (FMXR) using a tilting drive motor (12B) and a panning drive motor (12C) (col. 13, lines 50-64). Therefore, at least one setting of the camera is continuously adjusted based on an output of the orientation determination device (16).

Re claim 12, the tracking signal processing circuit (16) of the video camera system disclosed by Tomitaka determines the detection of hue and brightness frequency characteristics (image processing) of the frame (FMXD) of an image generated by a camera (col. 12, lines 55-61). Eventually the tracking signal processing circuit (16) gives a tracking control signal (S5) to move the new

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object position (x,y) to the frame (FMXR) using a tilting drive motor (12B) and a panning drive motor (12C) (col. 13, lines 50-64). The tracking control signal (S5) is generated using the detected hue and brightness frequency characteristics. Therefore, at least one setting of the camera is continuously adjusted based on an output of an image processing operation applied to an image generated by a camera.

Re claim 13, see claims 10 and 12. The hue and brightness frequency characteristics (image processing operation) are used to calculate a Euclidean distance ( $J(x,y)$ ) and the value of the Euclidean distance is a value calculated by the tracking signal processing circuit (16) that serves as an orientation determination device. Therefore, the camera setting is adjusted based on a hybrid combination of an orientation determination operation and an image processing operation.

Re claim 14, see claim 1.

Re claim 15, see claim 1. The terminal (50) disclosed by Leppisaari is based on computer hardware, thus it has a storage medium and a processor (page 3, paragraph 23).

**Claim 3 rejected under 35 U.S.C. 103(a) as being unpatentable over Tomitaka et al. in view of Leppisaari et al. as applied to claim 1 above and further in view of Yuyama et al. US 5,612,732.**

Re claim 3, Tomitaka in view of Leppisaari teaches all of the limitations of claim 1, but does not state that the camera is part of a module insertable into the hand-held device.

Yuyama discloses in figures 7 and 8 a portable television receiver with a removable camera. The portable television receiver is a hand-held unit and the camera may be inserted into it or removed (col. 11, lines 8-60). Hand-held processing devices including removable camera units are well known and used in the art as disclosed by Yuyama. Therefore, it would have been obvious to include the removable camera unit as taught in Yuyama in the video camera system disclosed by Tomitaka in view of Leppisaari. Doing so would provide a means for inserting the camera into the hand-held terminal when the camera is needed and removing the camera when it is not needed (Yuyama: col. 11, lines 8-11).

**Claim 8 rejected under 35 U.S.C. 103(a) as being unpatentable over Tomitaka et al. in view of Leppisaari et al. as applied to claim 1 above and further in view of Yerazunis et al. US 6,600,657.**



Re claim 8, Tomitaka in view of Leppisaari teaches all of the limitations of claim 1. Although Leppisaari states that the hand-held device may be a mobile telephone or a computer, he does not specifically state that the hand-held device is a personal digital assistant further referred to as a PDA.

Yerazunis discloses in figure 8 a PDA including a digital camera. PDA's including digital cameras are well known and used in the art as disclosed by Yerazunis. PDA's have the capability of storing and manipulating a wide variety of information such as still images taken by a camera or video objects (col. 4, lines 15-25). Therefore, it would have been obvious to include the PDA as taught in Yerazunis and use it as the hand-held terminal disclosed by Tomitaka in view of Leppisaari. Doing so would provide a means for providing a portable PDA including a camera for acquiring images (Yerazunis: col. 2, lines 25-27).

**Claim 11 rejected under 35 U.S.C. 103(a) as being unpatentable over Tomitaka et al. in view of Leppisaari et al. as applied to claim 10 above and further in view of Vincent 6,195,122.**

Re claim 11, Tomitaka in view of Leppisaari includes all of the limitations of claim 10 above. However, Tomitaka in view of Leppisaari does not indicate that the orientation determination includes gyroscopes.

Vincent discloses in figure 1 a tracking data acquisition unit (105) attached to a video camera (120). As shown in figure 2, the tracking data acquisition unit

(105) includes two gyroscopes (400, 410) for measuring the rotation of the camera along the x and y axes in order to determine the orientation of the camera (col. 6, lines 1-15). Therefore, it would have been obvious to include the gyroscopes (400 and 410) for measuring the rotation of the camera as disclosed by Vincent in the video camera system disclosed by Tomitaka in view of Leppisaari. Doing so would provide a means for sensing all rotational motions of a video camera (Vincent: col. 2, lines 36-45).

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

***Contacts***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kelly L. Jerabek whose telephone number is 703-305-8659. The examiner can normally be reached on Monday - Friday (8:00 AM - 5:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wendy Garber can be reached on 703-305-4929. The fax phone number for submitting all Official communications is 703-872-9306. The fax phone number for submitting informal communications such as drafts, proposed amendments, etc., may be faxed directly to the Examiner at 703-746-3059.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



TUAN HO  
PRIMARY EXAMINER